

Remarks

This is in response to the Office Action mailed September 10, 2003. Claims 1-29 have been canceled without prejudice or disclaimer. Claims 30, 32, and 33 have been editorially amended. Claims 30-39 remain pending in the application, with claim 30 being the only independent claim. Reconsideration and allowance are requested in view of the following remarks.

I. Restriction Requirement

In view of the restriction requirement noted at page 2 and attached to the Action, and the election made on August 18, 2003, claims 1-29 have been canceled without prejudice or disclaimer. Applicants expressly reserve the right to pursue these claims in future prosecution.

II. Claim Rejections

Claims 30-39 were rejected as being anticipated by or obvious in view of several cited references. Before providing a detailed analysis of the claims and addressing each rejection, a short description of compression molding is provided, which may be helpful in further examination of the claims and cited references.

A. Compression Molding

Compression molding includes the use of compressive pressure as the basis for forming an object (i.e., a "compression molded article") in a desired shape. Typically, a compression molding composition, including a fiber and a binder, is compressed to form the compression molded article. Application, page 2, lines 8-10.

One advantage associated with compression molded articles is that they can be used in high temperature environments. For example and without limitation, compression molded articles can be used as a component of: a fireplace assembly, a grill assembly, a campfire assembly, a burner assembly, or the like. Examples of such compression molded articles can include, without limitation, a fireplace box, a surround, a combustion chamber, a fireplace door, a log or log set, a burner, and a refractory member. Application, page 3, lines 1-13.

B. Claims 30-39 of the Present Application

Claim 30 is directed to a compression molding composition for use in compression molding an article. Claim 30 recites that the composition includes the following:

- in the range of greater than 0 to less than or equal to about 25 % by wt. inorganic fiber;
- in the range of about 10 to 40 % by wt. binder;
- in the range of about 15 to 45 % by wt. carrier solvent; and
- in the range of about 0 to 70 % by wt. additional additives.

Claims 32-39 all depend from claim 30 and further distinguish the claimed compression molding composition.

C. Rejection Based on Bennett

At pages 2 and 3 of the Action, claims 30-33 and 35-39 were rejected under 35 U.S.C. § 102(b) as being anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as obvious over Bennett, U.S. Patent No. 4,229,329. This rejection is respectfully traversed.

Bennett discloses a fire retardant coating used as a paint or mastic. Bennett, Abstract. The paint or mastic is applied to structures such as portions of buildings as a safety measure against possible fires. Bennett, column 1, lines 17-60.

Bennett fails to disclose or suggest a compression molding composition for use in compression molding an article, as recited by claim 30. There is no suggestion that the paint or mastic disclosed in Bennett is or could act as a compression molding composition.

In fact, the fire retardant paint disclosed by Bennett acts differently than a compression molded article when exposed to heat. For example, Bennett notes streaking and powdering when the fire retardant paint or mastic is exposed to heat. Bennett, column 7, lines 23-26 and 37-43. In contrast, a compression molded article as recited by claim 30 would not be effected in such a manner when exposed to heat.

For at least these reasons, reconsideration and allowance of claim 30 and claims 31-33 and 35-39 that depend therefrom are respectfully requested.

D. Rejection Based on Bafford

Claims 30 and 36 were rejected under 35 U.S.C. § 102(b) as being anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as obvious over Bafford et al., U.S. Patent No. 4,746,565. This rejection is respectfully traversed.

Bafford discloses a flame resistant fire barrier fabric. Bafford, Abstract. Therefore, Bafford fails to disclose a compression molding composition, as recited by claim 30.

Further, in the examples disclosed by Bafford, articles treated by the flame resistant barrier were described as having burned, smoked, and charred when exposed to heat. See generally Bafford, columns 6-11. In contrast, a compression molding composition used in a compression molded article as recited by claim 30 would not be affected in such a manner when exposed to heat.

In addition to the above, none of the examples of Bafford disclose or suggest a composition as recited by claim 30. For example, the rejection apparently identifies Example 1 of Bafford as meeting the limitations of claim 30. However, Example 1 of Bafford fails to suggest at least an inorganic fiber in the range of greater than 0 to less than or equal to 25 % by wt., as recited by claim 30.

For at least these reasons, reconsideration and allowance of claim 30 and claim 36 that depends therefrom are respectfully requested.

E. Rejection Based on Andersen

Claims 30-32 and 36-39 were rejected under 35 U.S.C. § 102(e) as being anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as obvious over Andersen et al., U.S. Patent No. 6,090,195. This rejection is respectfully traversed.

Andersen discloses compositions used in manufacturing articles such as packaging materials. Andersen, Abstract. Andersen therefore fails to disclose or suggest a compression molding composition, and one skilled in the art would not be motivated to use the packaging material disclosed by Andersen as a compression molded composition, as recite by claim 30.

For at least these reasons, reconsideration and allowance of claim 30 and claims 31, 32, and 36-39 that depend therefrom are respectfully requested.

F. Rejection Based on Jain

Claims 30-39 were rejected under 35 U.S.C. § 102(b) as being anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as obvious over Jain, U.S. Patent No. 4,839,222. This rejection is respectfully traversed.

Jain discloses a heat collapsible foam coating that is coated onto fiberglass insulation articles. The foam provides beneficial attributes including fire retardancy. Jain, abstract. Jain fails to suggest a compression molding composition, or that the collapsible foam could be used in compression molding, as recited by claim 30.

In addition to the above, Jain fails to disclose or suggest a composition as recited by claim 30. For example, the rejection identifies claim 1 of Jain as apparently meeting the limitations of claim 30 of the present application. However, claim 1 of Jain fails to suggest at least an inorganic fiber in a range of greater than 0 to less than or equal to 25 % by wt., as recited by claim 30.

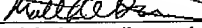
For at least these reasons, reconsideration and allowance of claim 30 and claims 31-39 that depend therefrom are respectfully requested.

III. Conclusion

Favorable reconsideration in the form of a Notice of Allowance is respectfully requested. The Examiner is encouraged to contact the undersigned attorney with any questions regarding this application.

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